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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,388	04/20/2001	Paul M. Cohen	42390P11040	2507
8791	7590	12/01/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			MEI, XU	
			ART UNIT	PAPER NUMBER
			2644	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/839,388	COHEN ET AL.	
	Examiner	Art Unit	
	Xu Mei	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) Claim(s) 7,13 and 14 is/are allowed.
- 6) Claim(s) 1,3-6,8 and 10-12 is/are rejected.
- 7) Claim(s) 2 and 9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner:
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 09/15/2005.
2. Applicant's election without traverse of claims 1-14 in the reply filed on 09/15/2005 is acknowledged.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-6, 8 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al (US-6,321,199, hereafter, Theimer).

Regarding claims 8 and 11, Theimer discloses an electronic device or an article (Fig. 1) comprising: a storage medium (memory 11) for storing instructions and processed voice parameters/value, per claim 11), the storage medium including stored instructions that, when executed by a processor (CPU 10),

result in selecting a parameter for a network device (an organized list of options is being selected), receiving an analog voice signal (audio signal received from microphone 12) having a value (variation range of a variable characteristic of the analog voice) for the network parameter, determining the value from the analog voice signal, and associating said value with said parameter (variation range of a variable characteristic of the analog voice to be assigned in a defined manner to the predetermined options, i.e., network parameter in the list), see col. 4, lines 55-65 and col. 6, line 50-col 7, line 17.

Regarding claim 10, see col. 4, lines 55-58.

Regarding claim 12, an optical display unit 16 is shown by Theimer (see Fig. 1 and Col. 6, lines 6-14).

Claims 1, 3 and 5-6 are similar to claims 8, 10-12 except for being couched in method terminology; such methods would be inherent when the structure is shown in the references.

Regarding claim 4, the organized list of options disclosed by Theimer including for example an alphabetically organized list of names with associated telephone numbers or the like (col. 4, lines 55-58). This list would have inherently including an IP address since a personal computer is in used.

Art Unit: 2644

5. Claims 2 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 7 and 13-14 are allowable over prior art of record.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Groner discloses a speech recognition system for automatically generating syntax rules for an application program's predefined inputs.

Niemi discloses an assembly for assigning a function of an electronic device with an arrangement for determining the function of a press-button switch.

Rudd et al discloses an automatic data routing via voice command annotation.

Colmenarez et al discloses an audio-based apparatus for controlling operation of an appliance.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax

Art Unit: 2644

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xu Mei
Xu Mei
Primary Examiner
Art Unit 2644
11/21/2005